

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number	FOR COURT USE ONLY
<i>Attorney for</i>	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re:	CHAPTER _____
	CASE NUMBER
Debtor.	(No Hearing Required)

FOR COURT USE ONLY

Attorney for

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re:

Debtor.

CHAPTER _____

CASE NUMBER

(No Hearing Required)

**NOTICE OF MOTION AND MOTION TO AVOID LIEN
UNDER 11 U.S.C. § 522(f) (PERSONAL PROPERTY)**
(Creditor Name: _____)
(Insert Name of Creditor holding Lien to be Avoided)

(Insert Name of Creditor holding Lien to be Avoided)

1. TO THE CREDITOR, CREDITOR'S ATTORNEY AND OTHER INTERESTED PARTIES:
2. NOTICE IS HEREBY GIVEN that the Debtor hereby moves this Court for an Order, without a hearing, avoiding a lien on the grounds set forth below.

3. Deadline for Opposition Papers:

Pursuant to Local Bankruptcy Rule 9013-1(g)(1), any party objecting to Debtor's Motion may file and serve a written objection and request a hearing on this Motion. If you fail to file a written response within fifteen (15) days of the date of service of this Notice, the Court may treat such failure as a waiver of your right to oppose this Motion and may grant the requested relief.

4. Type of Case:

- a. ☐ A Voluntary Petition under Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was filed on:
- b. ☐ An Involuntary Petition under Chapter ☐ 7 ☐ 11 was filed on:
☐ An Order of Relief under Chapter ☐ 7 ☐ 11 was entered on:
- c. ☐ An Order of Conversion to Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was entered on:
- d. ☐ Other:

- b. ☐ An Involuntary Petition under Chapter ☐ 7 ☐ 11 was filed on:

- ☐ An Order of Relief under Chapter ☐ 7 ☐ 11 was entered on:

- c. ☐ An Order of Conversion to Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was entered on:

- d. ☐ Other:

5. Procedural Status:

- a. ☐ Name of Trustee Appointed (if any):
- b. ☐ Name of Attorney of Record for Trustee (if any):

- b. ☐ Name of Attorney of Record for Trustee (if any):

(Continued on next page)

In re _____	CHAPTER _____
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6. Debtor claims an exemption in the subject personal property under:

- a. ☐ California Code of Civil Procedure § _____ (Homestead): Exemption amount claimed on Schedules: \$ _____
- b. ☐ California Code of Civil Procedure § _____ Exemption amount claimed on Schedules: \$ _____
- c. ☐ Other Statute (*specify*): _____
- d. ☐ Other Statute (*specify*): _____

7. Debtor's entitlement to an exemption is impaired by a non-judicial lien, the details of which are as follows:

- a. On (*specify date*): _____, Debtor obtained a consumer loan from Respondent in the principal amount of (*specify amount*): \$ _____
- b. As security for said loan, Debtor gave Respondent a security interest in certain personal property in Debtor's possession.
- c. The loan was neither obtained nor used for the purpose of buying the personal property described in Paragraph (b) above.
- d. The current balance due on the loan is (*specify amount*): \$ _____

8. On Schedule C, Debtor claimed an exemption in said personal property.

9. Debtor alleges that the fair market value of each individual item of the personal property claimed exempt is set forth in a declaration attached hereto. (*Attach Debtor's declaration to this motion*)

10. Debtor attaches the following documents in support of the motion (*as appropriate*):

- a. ☐ Schedule C listing all exemptions claimed by Debtor(s)
- b. ☐ Loan agreement
- c. ☐ Security agreement
- d. ☐ Declaration of Fair Market Value
- e. ☐ Other (*specify*): _____
- f. ☐ Other (*specify*): _____
- g. ☐ Other (*specify*): _____

11. Total number of attached pages of supporting documentation: _____

12. Debtor declares under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this motion was executed on the following date at _____, California.

WHEREFORE, Debtor prays that this Court issue an Order (a copy of the form of which is submitted herewith and has been served) avoiding the subject lien.

Dated: _____

Debtor's Signature

Dated: _____

Law Firm Name

By: _____

Name: _____

Attorney for Debtor

In re _____	CHAPTER _____
Debtor. _____	CASE NUMBER _____

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA

COUNTY OF _____

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On _____, I served the foregoing document described as: NOTICE OF MOTION AND MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (PERSONAL PROPERTY) on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at _____, California, addressed as follows:

(IMPORTANT NOTE: Compliance with F.R.B.P. 7004(b)(3) and California Code of Civil Procedure, Section 416.10 is required for service upon corporations. Service must be made upon an officer or other agent of the corporation authorized to accept service of process.)

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

Type Name

Signature